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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/634,698	08/05/2003	Donald E. Marigliano	G08.028/U	7559

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EXAMINER

LEMIEUX, JESSICA

ART UNIT

PAPER NUMBER

3693

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05/29/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Advisory Action  
Before the Filing of an Appeal Brief**

**Application No.**

10/634,698

**Applicant(s)**

MARIGLIANO, DONALD E.

**Examiner**

JESSICA L. LEMIEUX

**Art Unit**

3693

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 29 April 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.  
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.  
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: \_\_\_\_\_.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_  
13. ☐ Other: \_\_\_\_\_.

/James A. Kramer/  
Supervisory Patent Examiner, Art Unit 3693

/Jessica L Lemieux/  
Examiner, Art Unit 3693

Continuation of 11. Applicant states that "the art of record (Ram) cannot be seen to disclose or suggest that when one of a presented plurality of option quotes is selected, appropriate input areas of an order entry area are populated with an option order corresponding to the selected option quote." Applicant further elaborates this statement by saying that the art doesn't disclose "that by selecting a security in a first tab set will data be populated in a tab set that facilitates the ordering of securities" since if it were "there would be no need for tab set 128 to have a symbol lookup field and respective "go" button." Examiner first notes that the claims don't speak to the fact that the order entry area must be directly correlated to the option quote area, therefore these arguments are unfounded. Examiner further asserts that tab set 128, figure 12 in Ram clearly shows displaying a plurality of data with respect to the security input in the "go" region which consequently changes the "value" region dependent upon the amount of shares input into the order entry area. Examiner notes that this clearly shows that data is populated in an appropriate input area of an order entry area upon the selection of an option quote. Applicant also argues that "Ram fails to otherwise disclose how option order information may be populated into tab set 128." Although Ram may not specifically disclose or suggest how this information is populated it is obvious by Figure 12 that the data changes with respect to the security chosen in the "go" region. Lastly, examiner maintains that selecting a security could be done by typing or rather inputting the security symbol into the tab set 128, and by selecting a security, data is populated (value/bid/ask/last/change/high/low/etc.) that facilitates the ordering of securities. Therefore, it is obvious to one skilled in the art at the time of invention that Ram discloses that when one of a presented plurality of option quotes is selected, appropriate input areas of an order entry area are populated with an option order corresponding to the selected option quote.

Lastly, applicant argues that brightness of a color based on a difference between a strike price of the presented option quote and a price of a security underlying the presented option quotes as disclosed by claim 8, isn't either old or well known. Applicant misinterprets examiner's rejection of claim 8, and for the sake of clarity, examiner rejected claim 8 under 35 U.S.C 103(a) by Ram in view of Berckmans further in view of Official Notice. Ram discloses using color indicators for differentiating types of order data (short/option/margin/profit/loss) (paragraphs [0060 & 0235]) although Ram does not specifically teach determining a color based on a difference between a strike price of an option quote and a price of a security underlying the presented option quote and presenting the option quote in association with the color. Berckmans discloses that voluminous information displayed textually is easily confused and misinterpreted and that by representing financial data using colors users can more easily and quickly perceive and process displayed information (page 6, lines 16-22). Examiner noted that this could be easily adapted to determine a color based on a difference between a strike price of an option quote and a price of a security underlying the presented option quote and present the option quote in association with the color and the combination of Ram and Berckmans would simplify the perception and processing of displayed financial data. Official notice was taken simply to overcome the fact that neither Ram or Berckmans specifically taught a plurality of brightness levels of color to associate the difference with. Examiner asserted that it is old and well known to determine a brightness level of color for ease of perception and processing of displayed information. The evidence to support this assertion is that humans perceive different shades/brightness levels of colors as separate "colors" all together (lime green vs. hunter green, sky blue vs. navy blue, etc.). Examiner notes that different brightness levels of colors are thus perceived as different "colors" all together and by incorporating different brightness levels of colors it would further increase the complexity of perceptible information available visually, as addressed by Ram and Berckmans. Therefore the combination of Ram in view of Berckmans further in view of Official Notice teaches associating a plurality of brightness levels determined based on the difference between a strike price of the presented option quote and a price of a security underlying the presented option quotes.